

Remarks

Applicant has cancelled claims 1 to 14, but reserves the right to pursue claims to all subject matter originally disclosed in the parent application.

Claim 15 corresponds with original claim 2 but is limited to systemic sclerosis as the fibrotic disease that is alleviated by administration of a compound having the formula I. This condition is recited at page 7, lines 2 to 3 of the description. In addition the claim has been amended to explicitly recite that the subject treated is a warm blooded animal, for which there is basis at page 6, lines 10 and 11.

During the prosecution of the granted parent application it became apparent that the definition of the compounds of formula I in Claim 2 unintentionally read on certain non-steroidal anti-inflammatory (NSAID) compounds. This definition was then amended. Applicant has adopted the same definition in new claim 15.

In particular, the compound definition has been amended so as to cover only those compounds of formula I in which X (when n is 1) or Y (when n is 0) is a heteroatom. As previously written, the claim also covered compounds of formula I in which n is 0 and Y is a direct bond or a group of formula  $CR^1R^2$ . The presence of the heteroatom distinguishes the compounds from NSAIDs.

The compound definition has also been amended to remove the words "as hereinafter defined" and to positively recite that  $R^1$  and  $R^2$  may be joined together to form a cycloalkyl ring. Basis for this amendment may be found at page 4, last paragraph.

In drafting the definition of Formula I as originally filed, the Applicant attempted to comprehend the compounds described in United Kingdom Patent Specifications 860303 and 1140748 and European Patent Specification 09306. (In this connection, the Examiner is referred to pages 5 and 6 of the present specification, and to the compound definitions in the three specifications, copies of which were supplied in the parent application). However as first recognized by the Examiner in the parent application, that original definition of Formula I inadvertently included some NSAIDs. The

Applicant had and has no intention of including NSAIDs within the scope of the present invention. A key feature that is believed to distinguish compounds of the type disclosed in the three specifications from NSAIDs is the presence of a heteroatom X (when n is 1) or Y (when n is 0) attached to the group  $CR^1R^2COOH$ , and hence the claims have been limited to the use of compounds having this feature.

Claim 16 is based on the first sentence of the last paragraph on page 4 of the specification. Claims 17 and 18 correspond to original Claims 3 and 4. Claim 19 is based upon page 6, lines 7 to 9. Claim 20 is based on the disclosure on page 5 of the specification.

Claims 21 and 27 are based upon page 7, lines 2 and 3. The dependent claims have the same support as the claims dependent on Claim 15.

#### **Inventorship**

Following amendment of the Claims, Janet Katherine Fernihough is no longer an inventor of any invention claimed in the present application. Pursuant to 37 C.F.R. 1.63 (d)(2), the application is being filed in the name of Michael Edward John Billingham alone.

#### **Information Disclosure Statement**

Applicant has enclosed a form PTO/SB/08A that lists references for consideration by the Examiner. Copies of each of these references may be found in the file for the parent application.

Applicant also encloses a copy of the International Search Report that issued on the parent application during the international phase. Copies of the cited references should be in the file of the parent application.

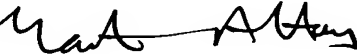
#### **Communication by Telephone**

The undersigned's office is located in the United Kingdom, and hence the Examiner may have difficulty contacting him from the USPTO by telephone. If the Examiner wishes to

- speak with the undersigned by telephone, he can contact the undersigned by e-mail at martinahay@martin-a-hay.com.

Favorable consideration of the application is requested.

Respectfully submitted,



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